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13 Attorneys for the Plaintiff

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 **HILDA L. SOLIS**,
17 Secretary of Labor,
18 United States Department of Labor,

19 Plaintiff,

20 v.

21 **COMMA DESIGN CORPORATION, doing**
22 **business as JULIA, a California corporation,**

23 Defendant.

Case No.: CV 09-7048 RGK (FMOx)

CONSENT JUDGMENT

24 Plaintiff Hilda L. Solis, Secretary of Labor, United States Department of Labor
25 ("Secretary"), and Defendant Comma Design Corporation doing business as Julia, a
26 California corporation ("defendant Comma"), have agreed to resolve the matters in con-
27 troversy in this civil action and consent to the entry of this Consent Judgment in accor-
28 dance herewith:

A. The Secretary has filed a Complaint alleging that the defendant violated provisions of Sections 15(a)(1), 29 U.S.C. § 215(a)(1) of the Fair Labor Standards Act of 1938, as amended ("FLSA").

B. Defendant Comma has appeared and (after having been advised by the Secretary of the right to retain the assistance of defense counsel) acknowledges receipt of a

1 copy of the Secretary's Complaint.

2 C. Defendant Comma waives issuance and service of process and waives an-
3 swer and any defenses to the Secretary's Complaint.

4 D. The Secretary and defendant Comma waive Findings of Fact and Conclu-
5 sions of Law, and agree to the entry of this Consent Judgment in settlement of this ac-
6 tion, without further contest.

7 E. Defendant Comma admits that the Court has jurisdiction over the parties
8 and subject matter of this civil action and that venue lies in the Central District of Cali-
9 fornia.

10 F. Defendant Comma has posted \$46,481.30 with the U.S. Department of La-
11 bor, Wage and Hour Division, to cover FLSA wage underpayments due to employees of
12 its sewing contractor, Viva Life F/S, Inc.

13 It is therefore, upon motion of the attorneys for the Secretary, and for cause
14 shown,

15 ORDERED, ADJUDGED, AND DECREED that the defendant, its officers,
16 agents, servants, and employees and those persons in active concert or participation with
17 them who receive actual notice of this order (by personal service or otherwise) be, and
18 they hereby are, permanently enjoined and restrained from violating the provisions of
19 Sections 15(a)(1), 29 U.S.C. § 215(a)(1) of the FLSA in any of the following manners:

20 1. Defendant Comma shall not, contrary to FLSA § 15(a)(1), 29 U.S.C. §
21 215(a)(1), transport, offer for transportation, ship, deliver, or sell in commerce (or ship,
22 deliver, or sell with knowledge or reason to believe that shipment, delivery, or sale in
23 commerce is intended) goods in the production of which any employee (of the defendant
24 or other(s)) has been employed in violation of the FLSA's minimum wage provisions
25 (29 U.S.C. § 206) or overtime pay provisions (29 U.S.C. § 207).

26 2. Defendant Comma shall not fail to disgorge, from the gross proceeds of its
27 having sold or shipped in commerce goods that had been worked on by employees of
28 Viva Life F/S, Inc. who were not paid the minimum wage and/or overtime required by

1 the FLSA, 29 U.S.C. §§ 206 and/or 207, that were previously deposited with the U.S.
 2 Department of Labor, Wage and Hour Division, an amount sufficient to pay to such em-
 3 ployees the back wages due to them under the FLSA. The amount hereby found due to
 4 these employees is \$46,481.30 for the period from January 11, 2009 through June 28,
 5 2009. The attached Exhibit 1 shows the names of each employee, the period of em-
 6 ployment covered by this Consent Judgment, and the gross backwage amount due to the
 7 employee.

8 The Secretary shall allocate and distribute the remittances, or the proceeds thereof,
 9 to the persons named in the attached Exhibit 1, or to their estates if that be necessary, in
 10 her sole discretion, and any money not so paid within a period of three years from the
 11 date of its receipt, because of an inability to locate the proper persons or because of their
 12 refusal to accept it, shall be deposited by the Secretary in a special deposit account for
 13 payment to the proper persons and upon such inability to pay within 3 years, shall then
 14 be deposited in the Treasury of the United States, as miscellaneous receipts, pursuant to
 15 29 U.S.C. § 216(c); and, it is further

16 ORDERED that each party shall bear its own fees and other expenses incurred by
 17 such party in connection with any stage of this proceeding, including but not limited to
 18 attorneys' fees, which may be available under the Equal Access to Justice Act, as
 19 amended; and, it is further

20 ORDERED that this Court retains jurisdiction of this action for purposes of en-
 21 forcing compliance with the terms of this Consent Judgment.

22 Dated: 10.16, 2009


 U.S. DISTRICT COURT JUDGE

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COMMA DBA JULIA

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1 For the Defendant:

2 The Defendant hereby appears, waives any
3 defense herein, consents to the entry of
4 this Judgment, and waives notice by the
5 Clerk of Court:

6 For: Defendant Comma Design Corporation

7 By: 

8 Jung Mu Ryu

09/16/09
Date

9 Its: 

10 President

11 For the Plaintiff:

12 CAROL A. DEDEO

13 Deputy Solicitor for National Operations

14 LAWRENCE BREWSTER

15 Regional Solicitor

16 DANIEL J. CHASEK

17 Associate Regional Solicitor

18 
19 SUSAN SELETSKY, Attorney

20 Attorneys for the Plaintiff

21 U.S. Department of Labor

Oct. 5 2009
Date

Exhibit 1

Last Name	First Name	From	To	Amount Due
Andrade	Estela	05/24/2009	06/28/2009	\$675.00
Avalos	Rocio	01/11/2009	06/28/2009	\$671.97
Bernal	Maria	01/11/2009	06/28/2009	\$614.93
Campos	Erika	01/11/2009	01/25/2009	\$295.00
Candido	Hilarion	01/11/2009	06/28/2009	\$860.54
Candido	Jose	01/11/2009	06/28/2009	\$798.98
Cid	Ofelia	01/11/2009	06/28/2009	\$544.89
Cortez	Poly	06/28/2009	06/28/2009	\$146.00
Cristina	Leticia	01/11/2009	02/08/2009	\$97.01
Dagio	Angelica	01/11/2009	02/08/2009	\$45.00
De Jesus	Ricardo	01/11/2009	06/28/2009	\$710.03
Eliseo	Jose	01/11/2009	05/03/2009	\$498.83
Equizabal	Victoria	01/11/2009	06/28/2009	\$1,083.13
Escamilla	Maria E	01/11/2009	06/28/2009	\$661.57
Espejen	Elena	01/11/2009	01/25/2009	\$317.99
Esquivel	Marina	01/11/2009	02/08/2009	\$155.01
Favela	Leticia	01/11/2009	06/28/2009	\$2,726.00
Flores	Arnulfo	01/11/2009	03/01/2009	\$40.00
Flores	Maria	02/01/2009	02/08/2009	\$98.00
Forlan	Fredy	01/11/2009	01/25/2009	\$275.01
Garcia	Francisco	01/11/2009	01/25/2009	\$329.00
Garcia	Joel	01/11/2009	04/05/2009	\$158.56
Gomez	Jose	01/11/2009	03/08/2009	\$235.00
Gomez	Julio	01/11/2009	06/28/2009	\$725.11

	Last Name	First Name	From	To	Amount Due
1					
2	Gonon	Viviana	01/11/2009	03/29/2009	\$228.66
3	Gonzalez	Tomas	01/11/2009	06/28/2009	\$838.37
4	Hernandez	Esteban	01/11/2009	06/28/2009	\$869.40
5	Hernandez	Francisco	01/11/2009	02/15/2009	\$379.01
6	Hernandez	Guadalupe	01/11/2009	06/28/2009	\$1,005.78
7	Hernandez	Juan	01/11/2009	06/28/2009	\$1,473.29
8	Hernandez	Marta	01/11/2009	06/28/2009	\$695.95
9	Hernandez	Pedro	01/11/2009	06/28/2009	\$1,091.47
10	Hernandez	Teresa	01/11/2009	06/28/2009	\$1,140.70
11	Herrera	Ana	01/11/2009	02/08/2009	\$167.00
12	Herrera	Marelyn	01/11/2009	02/08/2009	\$167.00
13	Izaguirre	Maria Cruz	01/11/2009	02/08/2009	\$477.99
14	Jimenez	Gabriel	01/11/2009	01/18/2009	\$21.39
15	Leon	Maria	01/11/2009	01/18/2009	\$34.20
16	Leon	Silviano	01/11/2009	06/28/2009	\$491.70
17	Leyva	Luis	03/01/2009	06/28/2009	\$293.00
18	Lopez	Luvia	01/11/2009	06/28/2009	\$1,369.00
19	Lopez	Martha	01/11/2009	06/28/2009	\$1,056.78
20	Lopez	Siria	01/11/2009	06/28/2009	\$162.99
21	Lopez	Teresa	01/11/2009	06/28/2009	\$1,505.65
22	Medrano	Edith	01/11/2009	01/25/2009	\$53.00
23	Mejia	Sebastian	01/11/2009	01/25/2009	\$82.00
24	Montaya	Paz	01/11/2009	06/28/2009	\$608.21
25	Morales	Alejandro	01/11/2009	01/25/2009	\$201.97
26	Nolasco De Ramos	Gloribel	01/11/2009	06/28/2009	\$951.26
27	Osnaya	Lucia	01/11/2009	06/28/2009	\$224.88
28					

Last Name	First Name	From	To	Amount Due
Palacios	David	01/11/2009	06/28/2009	\$1,163.65
Pasqual	Miguel	05/10/2009	06/28/2009	\$144.02
Pastrama	Guadalupe	05/24/2009	06/28/2009	\$701.00
Perez	Juan Manuel	01/11/2009	06/28/2009	\$1,314.42
Pineda	Leobardo	01/11/2009	02/08/2009	\$348.00
Quintanilla	Delores	01/11/2009	06/28/2009	\$766.93
Ramirez	Concepcion	05/10/2009	06/28/2009	\$1,319.01
Ramos	Maria	01/11/2009	06/28/2009	\$3,022.45
Reyes	Arturo	01/11/2009	06/28/2009	\$625.30
Rios	Ismael	01/11/2009	01/25/2009	\$188.01
Rosas	Mayra	01/11/2009	01/25/2009	\$53.00
Sagastume	Carmelina	01/11/2009	03/08/2009	\$549.99
Salas	Domitila	01/11/2009	06/28/2009	\$1,914.01
Salche	Mari	01/11/2009	01/25/2009	\$88.00
Sanchez	Alma	01/11/2009	02/08/2009	\$46.77
Silva	Antonia	01/11/2009	02/08/2009	\$248.00
Silva	Elias	01/11/2009	06/28/2009	\$542.45
Silva	Erica	01/11/2009	01/25/2009	\$289.00
Sipac	Santos	01/11/2009	02/08/2009	\$156.00
Solorzano	Yesenia	01/11/2009	06/28/2009	\$678.52
Taden	Genoveva	01/11/2009	01/25/2009	\$400.01
Taveras	Margarita	01/11/2009	06/28/2009	\$1,360.89
Tavita	Baleriano	01/11/2009	06/28/2009	\$904.76
Tecum	Rolando	06/28/2009	06/28/2009	\$126.01
Zamarron	Gabriela	01/11/2009	06/28/2009	\$1,177.89